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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,345	01/25/2002	Toshinori Tanase	P 290651 T36-142064M/KOH	9313
23400	7590	04/22/2004	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			TO, TOAN C	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/055,345	Applicant(s) TANASE ET AL.	
	Examiner Toan C To	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-16 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>47</u> | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 15-16 are objected to because of the following informalities:

Either claim 15 or 16 is improper dependent claim. For purpose of examining the claims on merit, the examiner assumes that claim 15 depends on claim 14.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Saita et al (U.S. 6,293,581).

With respect to claims 4-5, Saita et al discloses a head protection airbag device having an airbag (21) which is stored, while folded, along an upper fringe of an opening (define by roof 50, doors 13, 16, vehicle floor, front and back windshield, see figure 2) on the cabin-inside or indoor side and on the side of seat recliners (19), and when receiving inflation gas, the air bag (21) develops and inflates to cover the opening, wherein the air bag (21) includes a gas-inflow section (31) through which said inflation gas is introduced into the air bag, and a periphery part (32) surrounding the gas-inflow

section (31), the gas inflow section is partitioned, by partitioning/ coupling parts (32a-d) coupling the cabin-inside side side wall (inner side of airbag 21) with the cabin outside side wall (outer side of the airbag 21), into a plurality of inflation parts (29a-m), which are arranged side by side in the longitudinal direction and inflate when receiving said inflation gas so as to separate the cabin-inside side wall and the cabin-outside side wall one from the other, the inflation parts (29a-b) located on the side of the seat recliner serve as lower-end displacement inflation parts are disposed such that lower ends (lower end of cell 29a) of the lower-end displacement inflation parts (29a-b) are higher than lower-ends (lower end of cells 29e-i) of remaining inflation parts (29e-29i), thereby preventing it from interfering with the upper ends of the seat recliners.

As to claim 6, wherein the gas-inflow section includes a front-seat inflow section (31) and a rear-seat inflow section (35), which are respectively provided covering openings on the side of the front seat (19) and rear seat (20), the front-seat inflow section (31) and the rear-seat inflow section (35) include, respectively, lower-end displacement inflation parts corresponding to the front seat and said rear seat, and a width dimension of said lower-end displacement inflation part of said front-seat inflow section as longitudinally viewed is larger than that of said lower-end displacement inflation part of said rear-inflow section as longitudinally viewed.

With respect to claim 8, Saita et al discloses a head protection airbag device, comprising: an inflatable front seat protective portion (36) shaped so as to inflate in an unobstructed manner around a front vehicle seat (portion of seat 19 where occupant is actually sit on it); an inflatable rear seat protective portion (37) longitudinally spaced

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apart from the front seat protective portion (36) and also shaped so as to inflate in an unobstructed manner around a rear vehicle seat (portion of seat 20 where occupant is actually sit on it); a non-inflatable plate-like portion (21<sub>2</sub>) disposed between the inflatable front seat protective portion (36) and the inflatable rear seat protective portion (37); and a communicating portion (42) located around the non-inflatable plate-like (21<sub>2</sub>) portion for communicating the inflatable front seat protective portion (36) with the inflatable rear seat protective portion (37) for inflation purposes.

As to claims 9-10, Saita et al discloses a head protection airbag device wherein the inflatable front seat protective portion (36) comprises a plurality of inflation portions (29a-i), at least one (29a) of the plurality of inflation portions (29a-i) having a lower edge that is higher than lower edges of other ones of the plurality of inflation portions ((29e-i)) so as to be unobstructed by a front car seat when inflated, wherein the at least one of the plurality of inflation portions (29a) having a lower edge that is higher than lower edges of other ones of the plurality of inflation portions (29e-i) is higher than an upper end of the front seat when the inflatable front seat protection portion is inflated.

As to claims 11-12, Saita et al discloses a head protection airbag device wherein the inflatable rear seat protective portion (37) comprises a plurality of inflation portions (29j-m), at least one (29m) of the plurality of inflation portions (29j-m) having a lower edge that is higher than lower edges of other ones of the plurality of inflation portions (29j-k) so as to be unobstructed by a rear car seat when inflated; wherein the at least one (29m) of the plurality of inflation portions having a lower edge that is higher than

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lower edges of other ones of the plurality of inflation portions is higher than an upper end of the rear seat when the inflatable rear seat protection portion is inflated.

As to claim 13, Saita et al discloses a head protection airbag device, wherein a lower end of the inflatable front seat protective portion (36) that is inflatable over the front vehicle seat is wider than a lower end of the inflatable rear protective portion (37) that is inflatable over the rear vehicle seat in a longitudinal vehicle direction.

With respect to claim 14, Saita et al discloses a head protection airbag device comprising: an inflation seat protective portion (36) including a plurality of vertically oriented inflation parts (29a-i) that are longitudinally spaced from one another and that each have an open upper inflation gas receiving end (32a-i) and a closed lower end, wherein the closed lower end of at least one (29a) of the plurality of vertically oriented inflation parts (29a-i) is positioned higher than the closed lower ends of others of the plurality of vertically oriented inflation parts (29e-29i) so as to be inflatable in an unobstructed manner above and adjacent to a vehicle seat (19).

As to claims 15-16, Saita et al discloses a head protection airbag device, wherein the inflatable seat protection portion comprises an inflatable front seat protective portion (36) and an inflatable rear seat protective portion (37); communication part (42) for communicating a lower rear end of the inflation front seat protective portion (36) with a lower front end of the inflatable rear seat protective portion (37).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saita et al in view of Wallner et al (U.S. 6,308,982).

Saita et al discloses every element of the invention as discussed above in claim 4 except that the air bag introduces the inflation gas therein to both at the time of side collision and at the time of the roll-over.

Wallner et al teaches the invention wherein the air bag introduces the inflation gas therein to both at the time of side collision and at the time of the roll-over (see column 5, line 35-39) in order to increase safety for the occupant in the vehicle when accident occurs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle airbag device of Saita et al by using teaching of Wallner et al such that the airbag device is enable to provide inflation gas upon both side collision and roll over occurs in order to provide more safety for occupant.

### ***Response to Arguments***

6. Applicant's arguments filed January 20, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Saita fails to disclose "a lower end of the inflation parts located on the side of the seat recliner that are higher than the lower ends of the other inflation parts, thereby preventing it from interfering with the upper ends of the seat recliners", the examiner respectfully disagrees for the following reasons, the

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claim broadly recited "the inflation parts located on the side of said seat recliners" but does not recite what particular inflation part located on the side of the seat recliner, and as best seen in figure 2 of Saita, all of the cells 29a-29i located on the side of seat recliner, while the airbag 21 fully inflated, the lower end of the cell 29a-29b is higher than the other lower-ends of cells 29e-i. Therefore, the lower end of cells 29a-d is considered to correspond to "lower end of displacement inflation" and these cells, while fully inflated, are not interfered with the upper part of the seat recliner.

In response to applicant's argument that the rejection under 35 U.S.C 103(a) as to claim 7 is improper because Saita does not disclose the claim subject matter "a lower end of the inflation parts located on the side of the seat recliner that are higher than the lower ends of the other inflation parts, thereby preventing it from interfering with the upper ends of the seat recliners", the examiner respectfully disagrees for the reasons explained above.

### ***Allowable Subject Matter***

7. Claims 1-3 would be allowable if rewritten or amended to overcome the objection as set forth in this Office action.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

To, T

April 15, 2004

 4/19/04  
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